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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 KINDERSTART.COM LLC, a California
13 limited liability company, on behalf of itself and
14 all others similarly situated,

15 Plaintiffs,

16 v.

17 GOOGLE, INC., a Delaware corporation,
18 Defendant.

Case No. C 06-2057 JF

**STIPULATION AND [PROPOSED]
ORDER RE DECLARATIONS
SUBMITTED *IN CAMERA* PER
JANUARY 22, 2007 COURT ORDER**

19 Subject to approval of this Court, the parties hereby stipulate to the following:

20 1. On October 20, 2006, Defendant Google, Inc. ("Google") filed a motion for
21 sanctions against Plaintiff KinderStart.com LLC ("KinderStart") and its legal counsel Gregory J.
22 Yu for sanctions under Rule 11 ("Rule 11 Motion") of the Federal Rules of Civil Procedure. On
23 January 22, 2007, the Court issued an order (the "Rule 11 Order") that Gregory J. Yu submit to
24 the Court *in camera* declarations ("Rule 11 Declarations") to support certain allegations in the
25 Second Amended Complaint by February 6, 2007. The parties agree, subject to Court approval,
26 that the original deadline of February 6, 2007 be extended by 14 calendar days to February 20,
27 2007 for submitting Rule 11 Declarations pursuant to the Rule 11 Order. KinderStart's legal
28 counsel has communicated to Google's legal counsel that one of the Rule 11 declarants is out of
the United States until February 8, 2007. Accordingly, Google is willing to stipulate to an

STIPULATION AND [PROPOSED] ORDER
RE DECLARATIONS PURSUANT TO
GOOGLE'S RULE 11 MOTION

1 extension for KinderStart to submit all Rule 11 declarations to the Court by February 20, 2007.

2 2. KinderStart does not believe that the *in camera* submission of declarations
3 pursuant to the Rule 11 Order necessarily contemplates that Google's legal counsel is entitled to
4 receive and view copies of the same. Nonetheless, KinderStart agrees that Google's outside
5 legal counsel should be permitted to view the Rule 11 Declarations pursuant to this Stipulated
6 Order to enable it to further prosecute the Rule 11 Motion on behalf of Google.

7 3. On the same day that KinderStart submits to the Court *in camera* the Rule 11
8 Declarations as required by the deadline in the Rule 11 Order, subject to any extension ordered
9 herein, KinderStart and its legal counsel will deliver a single copy of all such declarations to the
10 offices of Google's outside legal counsel bearing the designation "CONFIDENTIAL –
11 ATTORNEY'S EYES ONLY." The designation "CONFIDENTIAL – ATTORNEY'S EYES
12 ONLY" shall mean Google's current attorneys of record at Wilson Sonsini Goodrich & Rosati
13 and shall not include any other legal counsel now or later associated with such counsel. Such
14 counsel to Google includes the paralegal, clerical and secretarial staff employed by counsel.
15 Such designation herein shall mean that no other person or entity, including expert witnesses or
16 outside consultants, may have access to such material or view any portion thereof, unless so
17 ordered by the Court upon a showing of good cause.

18 4. Nothing herein shall be deemed to: (a) constitute, govern or affect any subsequent
19 protective order between the parties in this action as to other materials, (b) alter the
20 confidentiality or nonconfidentiality of any disclosed material, or (c) alter any existing
21 obligations or the absence thereof of either party or any declarant.

22 5. This order shall survive the final termination of this action. When the parties'
23 respective counsel agree that the Rule 11 Motion and KinderStart's Rule 11 cross-motion have
24 concluded, outside counsel for Google will assemble and return all disclosed Rule 11
25 Declarations and all copies of the same to Plaintiffs' legal counsel, or shall certify destruction of
26 the same. The Court shall retain jurisdiction to enforce the terms of this stipulation and order.

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1 Dated: February 1, 2007

GLOBAL LAW GROUP

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3 By: /s/
4 Gregory J. Yu, Esq.
5 Attorney for Plaintiff KinderStart.com LLC and
for the proposed Class and Subclasses

6 Dated: February 1, 2007

WILSON, SONSINI, GOODRICH & ROSATI

7
8 By: /s/
9 Bart E. Volkmer, Esq.
10 Attorneys for Defendant Google, Inc.

11 **ECF CERTIFICATION**

12 I, Gregory J. Yu, am the ECF User whose identification and password are being used to
13 file this Stipulation & Proposed Order. In compliance with General Order 45.X.B, I hereby
14 attest that Bart E. Volkmer has concurred in this filing.
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16 Dated: February 1, 2007

GLOBAL LAW GROUP

17
18 By: /s/
19 Gregory J. Yu, Esq.
20 Attorney for Plaintiff KinderStart.com LLC and
for the proposed Class and Subclasses
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28 **[PROPOSED] ORDER**

STIPULATION AND [PROPOSED] ORDER
RE DECLARATIONS PURSUANT TO
GOOGLE'S RULE 11 MOTION

1 PURSUANT TO STIPULATION, IT SO ORDERED. Plaintiff KinderStart.com LLC
2 shall have until February 20, 2007 to submit Rule 11 Declarations pursuant to this Court's Order
3 of January 22, 2007. Plaintiff shall provide copies of such declarations to counsel for Google on
4 a "CONFIDENTIAL – ATTORNEY'S EYES ONLY" basis.

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6 Dated: _____, 2007

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8 JEREMY FOGEL
9 United States District Judge
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